

Elaine Spencer, Editor
jcar@ilga.gov

Joint Committee on Administrative Rules
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706
217/785-2254 ilga.gov/commission/jcar

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Issue 14

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ LAND CONSERVATION

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Conservation Reserve Enhancement Program (CREP) (17 IAC 1515; 39 Ill Reg 15664) effective 3/16/16, aligning the Part with federal mandates and State statute. The rulemaking lists State and federal conservation programs and defines terms such as wetlands, 100-year floodplain (an area adjacent to a body of water that has at least a 1% chance of being flooded in any given year) and Conservation Practices (specific methods outlined in the National Handbook of Conservation Practices). The rulemaking clarifies CREP's management structure and lists Soil and Water Conservation Districts (SWCDs) that serve CREP-eligible lands. Landowners must allow DNR and the applicable SWCD access to the enrolled property once a

year for verification of ownership and at least once every 3 years for site monitoring and photographs. Other provisions outline the CREP application and review process; address payments for existing 15- or 35-year easements that are amended or made permanent; and address allowable modifications and transfers of easements. Since 1st Notice, DNR has removed the requirement for a signed agreement among the landowner, the local SWCD and DNR for a permanent easement. Those affected by this rulemaking include certain SWCDs, landowners, and local governments planning public works projects that may impact CREP lands.

Questions/requests for copies: Virginia Yang, DNR, One Natural Resources Way, Springfield IL 62702-1271, 312/793-1012.

Proposed Rulemakings

■ EMERGENCY SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 IAC 515; 40 Ill Reg 5374) implementing Public Act 99-480, which requires regional Emergency Medical Services systems to include administration of opioid antagonists (medications that counteract the effects of heroin or other opioid drugs) in their standing medical orders. The rulemaking also includes provisions for EMS personnel to be trained in the administration and use of opioid antagonists as required by the PA. Those affected by this rulemaking include local governments and non-profits that provide EMS or first responder services.

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Proposed Rulemakings

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AIDS DRUG ASSISTANCE

DPH proposed an amendment to AIDS Drug Assistance Program (77 IAC 692; 40 Ill Reg 5413) updating the Federal Poverty Level income figures used to determine eligibility for the program. (Persons with gross incomes up to 300% of FPL for their household size may qualify for the program.)

DPH REPEALERS

DPH also proposed repeal of the following 6 Parts: General Provisions (77 IAC 2500; 40 Ill Reg 5418), Data Collection (77 IAC 2510; 40 Ill Reg 5423), Reports (77 IAC 2520; 40 Ill Reg 5503), Hospital Price Information (77 IAC 2530; 40 Ill Reg 5508), Penalties (77 IAC 2540; 40 Ill Reg 5515) and Miscellaneous Provisions (77 IAC 2550; 40 Ill Reg 5519). DPH now collects the same data under the Health Care Data Collection and Submission Code (77 IAC 1010) and is repealing these Parts because they are either obsolete or redundant.

Questions/requests for copies/comments on the 8 DPH rulemakings through 5/16/16: Elizabeth Paton, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ CHILD SUPPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Child Support Services (89 IAC 160; 40 Ill Reg 5256) implementing 6 Public Acts. The rulemaking adds the term “supporting parent” (parent obligated to pay child support) to the definition of “responsible relative”; updates references to the Illinois Parentage Act from the 1984 Act to the 2015 Act; and in accordance with the Parentage Act, adds the term “presumed parent” and provisions for acknowledgement or denial of parentage (in addition to existing provisions for acknowledgement or denial of paternity). Allowable deductions from a supporting parent’s income for purpose of calculating his or her child support obligation now include maintenance obligations (e.g., alimony) owed to the same party to whom child support is owed; student loan payments; and foster care payments from the Department of Children and Family Services. Other provisions impose administrative fines of up to \$1,000 per payroll period and liens against persons who willfully fail to comply with income withholding for child support, and provide for judicial registration of administrative paternity orders issued by HFS. For intergovernmental child support cases, the rulemaking adds provisions for registration, modification, and appeal contained in the Uniform Interstate Family Support Act and

the international Hague Maintenance Convention. Persons involved in child support cases are affected by this rulemaking.

Questions/requests for copies/comments through 5/16/16: Mollie Zito, HFS, 201 S. Grand Ave. E., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ EDUCATOR PREPARATION

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 40 Ill Reg 5527) removing the requirement for a middle grades endorsement for teachers of a departmentalized or self-contained grade 5. The endorsement will be required for teachers of departmentalized grade 6 who do not hold an elementary teaching endorsement and, starting 2/1/18, for teachers who teach grades 7 and 8. Individuals holding educator licenses with stipulations that include career and technical educator endorsements may teach coursework in grades 7 through 12. SBE also proposed amendments to Standards for Endorsements in Elementary Education (23 IAC 20; 40 Ill Reg 5547) extending until 9/1/18 the deadline for candidates currently in existing programs to complete their programs in order to have their endorsements by 9/1/19.

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Proposed Rulemakings

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SBE also proposed amendments to Educator Licensure (23 IAC 25; 40 Ill Reg 5551) updating the process to approve educator preparation programs and providers. Institutions recognized by SBE may choose to seek accreditation from the Council for Accreditation of Educator Preparation (CAEP) or SBE. Finally, SBE proposed amendments to Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 40 Ill Reg 5638) extending the time for full implementation of elementary education endorsement programs to 2/1/18. Candidates currently in existing programs will have until 9/1/18 to complete the program in order to have the endorsement by 9/1/19. Prospective teachers, teacher education programs, and school districts are affected by these rulemakings.

Questions/requests for copies/comments on the 4 SBE rulemakings through 5/16/16: Shelley Helton, SBE, 100 N. 1st St, S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

■ CURRENCY EXCHANGES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Currency Exchange Act (38 IAC 120; 40 Ill Reg 5233). The amendments add new definitions (“controlling person”,

“licensed location”, and “licensee”) added to the Currency Exchange Act by Public Act 99-445, make numerous technical revisions to reflect the new terminology, repeal a provision barring a licensee from cashing a check or money order which is undated or postdated, and prescribe a new fine schedule. Categories of fines include those for technical licensure compliance violations (e.g., not submitting a timely annual report), between \$100 and \$250; violations regarding disclosures to customers (e.g., failure to post a license and fees), between \$250 and \$500; non-financial operational violations (e.g., record keeping violations), between \$250 and \$1,000; and financial violations (e.g., charging excessive rates to customers, violating anti-money laundering requirements), between \$500 and \$1,000. Multiple violations within the same category of fines within three consecutive examination periods may result in fines up to the statutory limit, or the Department may take further measures permitted by law, such as suspension or revocation of a license. The Department will allow licensees an opportunity to correct any violation within 15 days after due notice is given the licensee, after which there will be a follow-up investigation by the Department. The Department may reduce or dismiss a fine. This rulemaking will affect currency exchange businesses.

■ MORTGAGE LOANS

DFPR also proposed amendments to the Part titled Residential Mortgage License Act of 1987 (38 IAC 1050; 40 Ill Reg 5243). The rulemaking prescribes additional pre-licensing and continuing education (CE) requirements for Mortgage Loan Originators (MLOs). Pre-licensing education, in addition to the hours required by law, shall comprise 3 hours of training regarding State Acts and rules (e.g., Residential Mortgage Licensing Act of 1987, High Risk Home Loan Act, Anti-Predatory Lending database provisions of the Residential real Property Disclosure Act). Effective 1/1/17, CE requirements, in addition to existing statutory requirements, shall also include 3 hours of training on the same subject matter to also be required for pre-licensing. This rulemaking may affect small businesses.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 5/16/16: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813 Fax: 217/557-4451.

ELECTIONS

The STATE BOARD OF ELECTIONS proposed amendments to Established Political Party and Independent Candidate Nominating Petitions (26 IAC 201; 40 Ill Reg 5643) and

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Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's April 12, 2016 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF NATURAL RESOURCES

The Illinois Oil and Gas Act (62 IAC 240; 40 Ill Reg 2095) proposed 1/29/16

DEPT OF REVENUE

Tobacco Products Tax Act of 1995 (86 IAC 660; 40 Ill Reg 2156) proposed 1/29/16

IL COMMUNITY COLLEGE BOARD

Administration of the Illinois Public Community College Act (23 IAC 1501; 39 Ill Reg 5743) proposed 4/24/15

IL COMMERCE COMMISSION

Standards of Service Application to 9-1-1 Emergency Systems (83 IAC 725; 40 Ill Reg 438) proposed 1/15/16

IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 39 Ill Reg 14809) proposed 11/13/15

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 40 Ill Reg 1672) proposed 1/22/16

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 40 Ill Reg 1715) proposed 1/22/16

Proposed Rulemakings

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New Political Party Nominating Petitions (26 IAC 202; 40 Ill Reg 5649). Amendments to both Parts correct the headings of the Parts, update the current address of SBEL's principal office and clarify that no filings will be accepted after 5 p.m.

Questions/requests for copies/comments through 5/16/16: Kenneth Menzel, SBEL, 2329 S.

MacArthur Blvd., Springfield IL 62708, 217/782-4141, fax: 217/783-5959, email: kmenzel@elections.il.gov

FIRE PROTECTION

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to Policy and Procedures Manual for Fire Protection Personnel (41 IAC 141; 40 Ill Reg 5366) that update or add National Fire Protection

Association (NFPA) standards related to certification that are incorporated in the Part by reference, and update several references to Occupational Safety and Health Administration (OSHA) rules in the Code of Federal Regulations.

Questions/requests for copies/comments through 5/16/16: Deborah Williams, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-9078.